

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
FEBRUARY 16, 2010
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Mayor Woolley and the Invocation was given by Councilman Portwood.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Christian Portwood
Councilman Phil Owens
Councilman Dean Johnson
Councilwoman Cathy Maxey
Councilman Doug Davis (arrived at 6:03 p.m.)
Councilman David Dirkschneider
Councilman Mike Gossman

ABSENT

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Wiley Rice, City Planner
Pamela McDowell-Ramirez, City Clerk

2. Call to the Public.

Mr. Tony Brady, 5815 NW 59th, addressed the council. He stated that he got a permit for an accessory building and thought he was ready to go. He asked the council to help him by changing the city codes. The Mayor stated that a letter was delivered to Mr. Brady outlining everything that had to be done. Mr. Brady stated that he had made lots of mistakes in the process and was now working

backwards. Mr. Chad Richards, from Cashion, stated that Mr. Brady coaches his son's ball team and he supports him.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.

A. Approval of the minutes from the Regular meeting of January 19, 2010.

B. Approval of Expenditures ****

General Fund	\$ 150,181.43
Public Safety	\$ 3,551.69
CIP Fund	\$ 78,995.21
Sewer Line	\$ 6,466.08

C. Approval of Actual Expenditures for January 2010 and Proposed Expenditures for February 2010. ****

D. Sales Tax History Report. ****

E. Approval to Appropriate \$389,884.45 in CIP remainder for Street Rehab Project.

Councilman Portwood asked for items A, B, and E to be pulled for discussion.

Motion by Johnson, second by Olson to approve items C and D. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Discussion and possible action on items removed from the consent docket.

Items B and E.

Councilman Portwood had several questions concerning the claims list. He also asked for an explanation of the \$389,884.45 appropriation.

Motion by Portwood, second by Johnson to approve B and E. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item A.

Motion by Johnson, second by Portwood to approve the minutes. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

PWD Turman-Hotel is almost ready to open. Charcoal Oven property has sold not sure what is going there but heard was to be bulldozed. Had some lift station problems. The plow and the sanders need to be replaced. He is looking at options concerning the dumpster delivery truck. One of the commercial trucks is back and they are still waiting on the one that needed a new engine.

Engineer Barrett-the flow study has started and smoke testing is still going. On the street rehab project three of the streets are complete and they are waiting on Oklahoma City to finish waterline work before they finish the fourth street. The 63rd street overlay should start soon and the bids are out for the MacArthur overlay project. He said the plans are 50% complete for the energy efficiency projects for city hall and the community center. The Mayor stated that he received a letter from the Department of Commerce and that the first money the city receives will be for the community center project.

6. Discussion and possible action on Planning Commission recommendation with regard to granting a special use permit for used auto sales at 5674 NW 39th St., formerly Big O Tires. Applicant: Akbar Ghoreyan. (Planning Commission recommended approval with stipulations) ****

Councilman Johnson stated that he would not vote for this considering the application reads that it is for Oklahoma City not Warr Acres.

Motion by Portwood, second by Maxey to approve the Special Use Permit with the recommended stipulations. Poll vote: Johnson, nay; Owens, nay; Dirkschneider, yea; Gossman, nay; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

7. Discussion and possible action to authorize the City Engineer to prepare bid documents and to solicit bids pursuant to state law for the purpose of repairing the storm water pipeline located 65th and 66th on MacArthur.

Engineer Barrett stated that there was a void between the pipe and the paving. The estimate is \$57,000 and it must be bid out. The city is not equipped to fix the problem. The plan is to leave the old pipe, fill it and then place the new pipe above it, then fill in any voids rebuild the inlets on the eastside of the street. The

new pipe will be concrete. The Mayor stated that this issue is time sensitive since it should be done before the overlay project. Possibly the same contractor, doing the overlay, could bid on this work also.

Motion by Owens, second by Johnson to authorize the Engineer to prepare and solicit bids. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

8. Public Hearing and discussion on the FY 2010 CDBG Grant Program; Proposed Sewer Project.

Millie Vance told the council that this was for informational purpose on the CDBG money. She said that the money comes from the Federal Government through HUD then through the State to the City. What she is working on is getting a grant for Sewer lines and lift stations. This process has cities competing against each other for money. She has done an income survey on Wards III and IV and the percentage earning less than \$36,000 to \$37,000 a year for a family of 4 needed to be 51% or greater. The percentage was 57% so the city meets the first requirement. Other information is the number of people served, consent orders, number of low income, planning and capital improvement plan. She said that there are many guidelines that must be followed in filing an application. She asked Engineer Barrett to explain what would be included in a CDBG project. Engineer Barrett stated that sewer project studies were done, all three lift stations are located in Wards III and IV and they all need upgraded. The upgrades would allow for monitoring from city hall, generators for automatic start up if power is lost, and rehab manholes. Many of the manholes are made of bricks and they are not allowed any longer they cause many problems such as gasses being released and when it rains more water in the sewer lines that can cause overflows. At this time they are not ready to replace or rehab sewer lines. The Mayor stated that the city's match would come from the Sewer Line Maintenance Fund. Ms. Vance told the council that the grant maximum is \$350 k and that by asking for less and matching funds you have a better chance of being awarded a grant. She said that what will be asked for \$224,999 and the city to match \$225,001 this way the city will earn more points and the more points you receive the better chance of being awarded a grant.

Motion by second by to close the public hearing. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 14 was heard after item 8.

Item 9 was heard after item 19.

9. Discussion and possible action on adopting a Citizens Participation Plan for the FY 2010 CDBG Sewer Project.

Ms. Millie Vance told the council that this would allow for the citizens to have input. Councilman Owens asked if it was exactly how the paperwork read. She stated that it was.

Motion by Owens, second by Gossman to approve the plan. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

10. Discussion and possible action on adopting a Resolution to apply for FY 2010 CDBG Grant.

Motion by Gossman, second by Dirkschneider to approve the Resolution, #455. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

11. Discussion and possible action on adopting a Resolution on Leverage (Match) Funds for FY 2010 CDBG Sewer Project.

Motion by Gossman, second by Olson to approve the Resolution, #456. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

12. Discussion and possible action on adopting a Residential Anti-Displacement Plan for FY 2010 CDBG Sewer Project.

Ms. Vance told the council that since the money comes through HUD then you must have a plan in place incase there is any one displaced. In this proposed project she does not anticipate there being anyone displaced.

Motion by Owens, second by Gossman to approve the plan. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

13. Discussion and review of Sewer rates.

Ms. Vance said that this is an educational process. You must know where you are and what you have or there is no point in having rates. She said that the rates need to be such that they provide funding for maintaining the system. The rates must also cover what is paid out to the Bethany/Warr Acres Trust. The rates are set by Ordinance and we pay the Trust almost everything that is brought in. She provided the council with spreadsheets showing the biggest users and what is paid in. She told them that the apartments contribute 35% of the total sewer usage. She said that annual revenue from sewer is around \$900,000. At the next meeting she will provide them with the expense side of the equation. She said they must know all info when looking at the rates. When applying for grants credit worthiness is not just can you pay your bills, it is also how you will repay any loans. You must plan now for the future so no huge rate increase is required; do a little at a time. She told them that they are not looking at this to get points for the grant application. They would have to charge \$19 in order to receive one point. She said the average rate in the state is \$19 at 5000 gallons. Councilman Portwood asked what chance the city had at receiving a grant. Ms. Vance stated that with matching funds, the consent order, and large area of people covered she felt there was a very good chance.

Councilman Owens left the meeting at 8:45 p.m. after item 13.

Item 15 was heard after item 13.

Item 14 was heard after item 8.

14. Discussion and possible action on appointing a Planning Commissioner At-Large to replace Jan Blake. Term to expire October 2011.

The Mayor stated that Jan Blake had already resigned from the Planning Commission. The Mayor said this position is nominated by the Mayor and he would like to nominate Roger Godwin.

Motion by Portwood, second by Maxey to accept the nomination of Roger Godwin. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

15. A. Discussion and possible action on an Ordinance amending 9.02.050 establishing the penal offense of unlawful acts against police dogs. ****

Attorney Love stated that it was brought to his attention that there is already state law so this Ordinance will bring it to a City fine.

Motion by Dirkschneider, second by Gossman to approve the Ordinance #1082.
Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

B. Approval of the emergency clause.

Motion by Dirkschneider, second by Gossman to approve the emergency clause.
Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

16. A. Discussion and possible action on an Ordinance amending 9.90.010 relating to the fines for offenses against police officer and police dogs.

Attorney Love stated that this allows for the punishment related to the last item.

Motion by Dirkschneider, second by Gossman to approve the Ordinance #1083.
Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

B. Approval of the emergency clause.

Motion by Dirkschneider, second by Johnson to approve the emergency clause.
Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

17. Questions and Comments from Councilmembers.

Councilman Portwood-said that he appreciated Councilman Gossman for the time that he has served and appreciated all the help he has given him.

Mayor Woolley-said ditto on the comments about Councilman Gossman and he thanked Millie for all the work she had done towards getting the city a grant. He also thanked the council for spending time on the city and working to help the city move forward.

Councilman Johnson-thanked Councilman Gossman.

Councilman Dirkschneider-thanked Councilman Gossman saying he thought he brought good views.

Councilman Gossman-said he wanted to ask one more time about the software for the Police and Court Clerks. The Mayor said he was working on it. Councilman Gossman said all equipment needs to be kept inside to keep it in good condition. He told the council to be careful with the rates there are a lot of low income people in the city. He said it had been great and fun serving.

Item 18, 20 and 21 were heard after item 14.

18. Discussion and possible action concerning litigation Union Pacific Railroad vs. Warr Acres (Double Eagle Refinery Superfund site), EPA vs. Warr Acres, and ODEQ vs. Warr Acres, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Love*

Motion by Owens, second by Johnson to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 19 was heard after the council returned to open session after executive session on items 18, 20 and 21.

19. Discussion and possible action to authorize the Mayor to execute a Small Party Settlement Agreement with Union Pacific Railroad Company and to authorize the payment of \$22,500.00 in full and complete settlement of all claims between the City of Warr Acres and Union Pacific Railroad Company related to the Double Eagle Superfund Site, such payment to be conditioned upon the execution of a mutually agreeable Small Party Settlement Agreement by the Mayor. *Love*

Motion by Owens, second by Portwood to authorize the Mayor to execute the agreement, once the wording has been approved, and pay \$22,500. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 9 was heard after item 19.

20. Discussion and possible action concerning the investigation, claim and potential litigation by the City of Warr Acres against Cities Unlimited Inc., related to the possible improper registration by Cities Unlimited Inc. of WarrAcres.com including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), for confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Love*

Motion by Owens, second by Portwood to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

21. Discussion and possible action concerning contract negotiations for FY 2010 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups. *Puckett*

Motion by Owens, second by Dirkschneider to enter into executive session with Tony Puckett to stay. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The council entered into executive session at 7:24 p.m.

The council returned to open session at 8:12 p.m.

Motion by Johnson, second by Owens to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, out during the vote; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 19 was heard after item 21.

Item 9 was heard after item 19.

Item 22 was heard after item 17.

22. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

23. Adjournment.

Motion by Johnson, second by Portwood to adjourn. Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
FEBRUARY 16, 2010
7:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 8:54 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair Nancy Olson
Trustee Christian Portwood
Trustee Dean Johnson
Trustee Cathy Maxey
Trustee Doug Davis
Trustee David Dirkschneider
Trustee Mike Gossman

ABSENT

Trustee Phil Owens

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of January 19, 2010. ****

Motion by Dirkschneider, second by Olson to approve the minutes. Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, abstain; Olson, yea; and Woolley, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$59,813.27 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of January, 2010. ****

Motion by Olson, second by Portwood to approve the payment to the trust. Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department. ****

Motion by Dirkschneider, second by Olson to approve the claims. Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Gossman, second by Portwood to adjourn. Poll vote: Johnson, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk